

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAKINA VE KIMYA ENDUSTRISI A.S.,

Plaintiff,

-against-

A.S.A.P. LOGISTICS LTD; ASAP LOJISTIK VE
SAVUNMA TICARET LIMITED SIRKETI (d/b/a
“Asap Logistics and Defense” and/or “Asap Logistics
and Defense Guvenlik Hizmetleri Sanayi Ve Ticaret
Limited Sirketi”); TURKKEY CAPITAL KURUMSAL
FINANS COZUMLERI LIMITED SIRKETI (d/b/a
“Turkkey Capital Kurumsal Finans Cozumleri Limited
Sirketi”); DEBORAH CROSS; GUVEN ACARER;
TURKER KUCUKER; and ILKER KUCUKER,

Defendants,

ORDER

22 Civ. 3933 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:


Plaintiff has submitted a Proposed Order to Show Cause in which it seeks a Default Judgment against Defendants Turkey Capital Kurumsal Finans Cozumleri Limited Sirketi, Turker Kucuker, and Ilker Kucuker. (Dkt. No. 113) In connection with Plaintiff’s previous application for a preliminary injunction as to these Defendants, the Court concluded that Plaintiff had not demonstrated that this Court has personal jurisdiction over these Defendants. (See Order (Dkt. No. 64)) Absent personal jurisdiction, this Court cannot issue a default judgment against them. See Sinoying Logistics Pte Ltd. v. Yi Da Xin Trading Corp., 619 F.3d 207, 213 (2d Cir. 2010) (“[B]efore a court grants a motion for default judgment, it may first assure itself that it has personal jurisdiction over the defendant[.]”); see also Spin Master Ltd. v. 158, 463 F. Supp. 3d 348, 361 (S.D.N.Y. 2020), adhered to in part on reconsideration, No. 18-CV-1774 (LJL), 2020 WL 5350541 (S.D.N.Y. Sept. 4, 2020) (“[B]efore this Court grants a

motion for default judgment and imposes permanent injunctive relief, it is appropriate for the Court to assure itself that it has personal jurisdiction over those defendants it purports to bind indefinitely.”); IdeaVillage Prods. Corp. v. A1559749699-1, No. 1:20-CV-04679-MKV, 2022 WL 204214, at *2 (S.D.N.Y. Jan. 24, 2022) (“The burden of proving that the elements of personal jurisdiction are present falls on the plaintiff.”). Accordingly, this Court will not issue a show cause order as to Defendants Turkey Capital Kurumsal Finans Cozumleri Limited Sirketi, Turker Kucuker, and Ilker Kucuker, absent evidence that this Court has personal jurisdiction over them.

By November 9, 2022, Plaintiff will make a submission demonstrating that this Court has personal jurisdiction over Defendants Turkey Capital Kurumsal Finans Cozumleri Limited Sirketi, Turker Kucuker, and Ilker Kucuker. Absent such a submission, Plaintiff will show cause why its claims against these Defendants should not be dismissed for lack of personal jurisdiction.

Dated: New York, New York
October 26, 2022

SO ORDERED.



Paul G. Gardephe
United States District Judge